

Methamphetamine Cleanup Process

February 7, 2007

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Action Item		Statutory Timetable	Action Item
1	AB 1078 became effective. Methamphetamine contaminated property limited to: (1) land; (2) structure, or (3) part of structure.	January 1, 2006	
2	AB 2587 became effective. Methamphetamine contaminated property expanded to include: (1) mobilehome parks and special occupancy parks (parks*); (2) mobile homes*, manufactured homes (mobile homes*) and recreational vehicles (RVs) located at parks*. If the mobile home* is not located on the park*, it is considered a contaminated structure on real property. (§25400.11(t))	January 1, 2007	
3	Local Health Officer (LHO*) establishes written plan with remediation procedures that comply with Ch. 6.9.1, HSC including any regulations adopted. (§25400.17 and §25400.35)	No time frame specified	
4	(1) Law enforcement agency notifies LHO* (implied in §25400.18); or (2) Property owner notifies LHO*. (§25400.19)	Day 0	
5	LHO*: Post a "Warning" notice in prominent location on property. (§25400.18)	Day 2 (within 48 hours of law enforcement notification)	
6	LHO*: Conduct inspection of property. (§25400.19) For mobile home*, RV and park*: determine cause of contamination and responsibility for cleanup during inspection. (§25400.19)	Day 5 (within 5 days of notification from law enforcement or property owner)	

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7	<p style="text-align: center;">Contamination Determination</p> <p>LHO*: Determine whether property is contaminated or not. (§25400.20(a)) Determine responsibility for cleanup of mobile home*, RV and park*: (1) mobile home* or RV registered owner; (2) park owner*: or (3) both. (§25400.20(e))</p>	Day 5 ("immediately" determine)	<p style="text-align: center;">No Contamination Determination</p> <p>LHO*: Determine whether property is contaminated or not. (§25400.20(a))</p>
8		Day 8 (within 3 days of no contamination determination)	<p>LHO*: (1) Remove posted notice. (2) Prepare written documentation of no contamination determination. (§25400.20(c))</p>
9	<p>LHO*: (1) Real Property: record property lien. (§25400.22(a)(1)) Mobile home*: amend permanent record with restraint. (§25400.22(a)(2)(A)) RV: File vehicle license stop (§25400.22(a)(2)(B)) Mobile home* on real property: lien the real property and place a restraint on the permanent record. (2) Issue order prohibiting property use and occupancy to persons as applicable to the type of contaminated property (§25400.22(a)(4)):</p> <ul style="list-style-type: none"> • real property owner • registered owner • junior lienholders • other recorded interests in property • occupants • legal owner • park owner* <p>(3) Serve the order personally or certified mail (return receipt). (§25400.22(d)). If persons whereabouts are unknown, serve order to persons found at address on (1) last equalized tax assessment roll, (2) on permanent record of the mobile home* or (3) on permanent record of the RV. (§25400.22(e),(f)) (4) Property owner/occupants shall immediately vacate hazardous area of property upon receipt of order. (§25400.25(a))</p>	Day 15 (within 10 days of contamination determination)	
10	LHO*: Post order in a conspicuous place on property(§25400.22(i))	Day 16 (within 1 day of order)	

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11		Day 18 (within 10 days of no contamination documentation)	LHO*: Send copy of no contamination documentation to: (1) property owner(s) (2) local enforcement agency for State Housing Law (§25400.20(d))
12	LHO*: Provide a copy of the order to the: <ul style="list-style-type: none"> • address of each person with an interest in the property (§25400.22(f)) • local building or code enforcement agency for the State Housing Law (§25400.22 (h)) 	No time frame specified	
13	Park owner*: A park owner* with an order regarding a contaminated mobile home* or RV may terminate tenancy to obtain possession of the space by serving a 3-day notice to quit according to section 1161(4), Code of Civil Procedure (§25400.25 (b))	No time frame specified	
14	If the LHO* can't locate the property owner to serve order issued in §25400.22 (Line 9), the city/county may remediate or remove contaminated property and the property owner is liable for costs. (§25400.30(b),(c)).	Day 25 (within 10 days of issuing an order)	
15	Property owner demonstrates to the LHO* that an authorized contractor has been retained. (§25400.25(b))	Day 45 (within 30 days of receipt of an order)	
16	Park owner*: If the registered owner of a mobile home* or RV doesn't comply with the order, the park owner* may (1) terminate tenancy of owner with a "noncurable 3 day notice to quit" and (2) within 30 days of vacancy or abandonment of the mobile home* or RV, abate the nuisance and (1) remediate the mobile home* or RV (2) use an authorized contractor to remove or dispose of the mobile home* or RV (3) enforce a warehouseman's lien on the RV. (25400.47(a)) Note: If the city/county elects to remediate the mobile home* or RV and the registered owners do not pay, the park owner* may proceed with the above actions. ((25400.47(a))	Day 46 (after 1 day of noncompliance of the order by the registered owner mobile home* or RV)	

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17	The property owner or the authorized contractor submits a Preliminary Site Assessment (PSA) work plan to the LHO* for review. (§25400.26(c))	Day 75 (within 30 days after a contractor has been retained)	
18	The LHO* reviews the PSA work plan for compliance with Ch. 6.9.1, HSC and §25400.35 (the LHO*'s written plan for Ch. 6.9.1, HSC, and procedures for property assessment and cleanup). (§25400.26(d)(1))	Day 85 (within 10 days of PSA submission)	
19	The LHO* informs the property owner and authorized contractor in writing of any PSA work plan deficiencies or that the PSA work plan is approved. (§25400.26(d)(2), (3)) Note: no time frame is specified for corrections of any deficiencies.	Day 100 (within 15 days of PSA submission)	
20	Property owner completes remediation of the property. The LHO* in writing may extend the time to complete the remediation. (§25400.26(f)) Park owner*: If the registered owner does not initiate or complete the mobile home* or RV remediation, the park owner* may: (1) remove, dismantle, demolish or abate the nuisance using an authorized contractor (§25400.28(c)(5), (6)) Note: If the park owner* elects to cleanup the mobile home* or RV, the park owner* follows lines 17, 18, 20 and 24. The LHO* provides information in lines 18 and 19 to the park owner*. (§25400.26(g))	Day 190 (within 90 days of the approved PSA work plan)	
21	After the PSA is completed, the property owner or the authorized contractor prepares and submits to the LHO* a PSA report. (§25400.26(e))	No time frame specified	

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<p>22</p> <p>Until the property owner receives a NFA notice from the LHO*, the property owner must notify:</p> <ul style="list-style-type: none"> (1) prospective buyers in writing of pending orders (§25400.28(a)); (2) prospective tenants of the remediation order, provide a copy of the order and obtain an acknowledgment from the prospective tenant before signing the rental agreement. (§25400.28(b)) <p>Until a NFA notice is received, agents or owners of mobile home* and RVs must:</p> <ul style="list-style-type: none"> (1) Notify in writing the prospective buyers, tenants, and park owners* of all meth lab activities, remediation done, and a copy of the order. (§25400.28(c)(1)) (2) Provide a copy of the notice and order before the buyer takes possession of the mobile home* or RV and the prospective buyer must acknowledge in writing receipt of the notice and order (§25400.28(c)(2)) (3) Attach a copy of the notice and order to the rental agreement (§25400.28(c)(3)) 	<p>Until the LHO* makes a no further action determination (NFA) or a determination that the property doesn't need remediation</p>	
<p>23</p> <p>LHO*: Reviews the PSA report and determines that no further action is required if:</p> <ul style="list-style-type: none"> (1) there is no residual contamination that requires remediation (§25400.26(e)(2)), or (2) the property has been remediated and there is no residual contamination (§25400.27(a)) 	<p>No time frame specified</p>	

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24	<p>LHO*:</p> <p>(1) Releases the real property lien. (§25400.27(b)(1))</p> <p>(2) Mobile home*: release the restraint amended into the permanent record with the Dept. of Housing and Community Development (§25400.27(b)(2))</p> <p>(3) RV: release the vehicle license stop filed with the Dept. of Motor Vehicles (§25400.27(b)(3))</p> <p>(4) Sends copy of the release to the property owner, park owner*, local enforcement agency for the State Housing Law, and all others notified (i.e., occupants, other interests in the property, etc.). Note: In the case of a mobile home* a release may indicate that the mobile home* was destroyed or salvaged. (§25400.27(b)(4))</p> <p>Note: "Salvage" is not defined in Ch. 6.9.1 HSC.</p>	<p style="text-align: center;">10 days (after NFA determination or payment of lien – the later date)</p>	
25	<p>Property owner and LHO*: Keep all records of decontamination procedures after property is determined habitable for 3 years (§25400.26(b))</p> <p>Park owner*: Keeps decontamination records for 3 years if the park owner* elects to cleanup the mobile home* or RV. (§25400.26(g))</p>	<p style="text-align: center;">3 Years after NFA determination</p>	
26	<p>City or County: If the property owner does not initiate or complete the property remediation, the city/county may:</p> <p>(1) remediate the property (§25400.30(a)(1)),</p> <p>(2) seek a court order to require the property owner to remediate the property. (§25400.30(a)(1))</p> <p>(3) seek cost recovery from property owner (§25400.30(c))</p> <p>(4) record a nuisance abatement lien against property if the property owner does not pay (§25400.30(d))</p> <p>City or County: Provide the park owner* a notice of at least 10 days before the city/county remediates a mobile home* or RV (§25400.30(a)(2))</p>	<p style="text-align: center;">No time frame specified</p>	

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